

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF:

*

SCOTT A. JONES,

*

Charging Party,

*

and

*

PSLRB Case No. SV-13-09

WARREN GLASS,

*

Charged Party.

*

* * * * *

DECISION AND ORDER

A. INTRODUCTION

On December 18, 2012, Scott A. Jones (“Jones”), a non-certificated mail room driver employed by the Baltimore City Board of School Commissioners (“School Board”) filed a “Charge of Violation of Title 6, Subtitle 4 or Subtitle 5, of Education Article” with the Public School Labor Relations Board (“PSLRB”).¹ In his Charge, Jones alleges that he was improperly disciplined for misdelivering mail on his route. Named as the “Charged Party” is Warren Glass (“Glass”), Mailroom Supervisor.²

On January 22, 2013, Jones filed additional information with the PSLRB in support of his Charge.

¹ As a non-certificated employee, Jones’ Charge falls under Subtitle 5.

² Though nominally brought as an action against Glass, the Charge was apparently intended to be filed against the School Board and will be treated as such by the PSLRB. See *Education Association of St. Mary’s County and Dr. Michael Martirano*, PSLRB Case No. SV-12-05 (March 30, 2012) (charge not permitted against county superintendent for actions taken in his capacity as representative of public school employer).

B. POSITION OF CHARGING PARTY

It is Jones' position that he was unfairly issued a three-day suspension without pay for misdelivering mail to one of the schools. Jones claims he was told that he would receive training on his new route (the "C" run) before he was sent out, but such training was never provided. Jones further states that he has been on the job for 24 years and "training is always given when given a new route." Jones also notes that he has a clean record regarding complaints and has received "praises for my work performance."

C. ANALYSIS

Section 6-512 of the Education Article states that "[a] public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under §§ 6-503³ and 6-504⁴ of this subtitle."⁵

Here, Jones has failed to provide information as to how his rights under Subtitle 5 were violated. In other words, Jones has not alleged that the School Board took action against him based upon his participation (or refusal to participate) in activities of an employee organization concerning matters relating to "salaries, wages, hours, and other working conditions."

Thus, while the PSLRB clearly has authority to decide "any controversy or

³ Section 6-503 provides that "[p]ublic school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions."

⁴ Section 6-504 provides that a "public school employee may refuse to join or participate in the activities of employee organizations."

⁵ Though Jones' Charge does not specify which provisions of Subtitle 5 were allegedly violated, as a non-certificated employee, his claims presumably arise under section 6-503 or 6-504.

dispute arising under” Title 6, Subtitle 5 of the Education Article,⁶ Jones has not alleged any facts that could reasonably be construed as asserting a violation of his rights under this Subtitle. Absent such factual allegations, the Charge must be dismissed.

ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN THE INSTANT MATTER, PSLRB Case No. SV-03-09, IS DISMISSED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD



Seymour Strongin, Chairman



Robert H. Chanin, Member

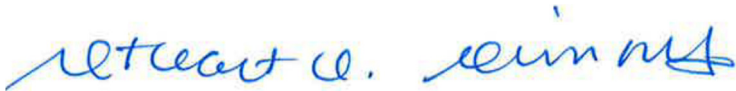


Charles I. Ecker, Member

⁶ See Md. Code Ann., Educ. § 2-205(4)(i) (“The Public School Labor Relations Board shall decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.”); see also Md. Code Ann., Educ. § 6-806(a) (“The Board shall administer and enforce the provisions of Subtitles 4 and 5 of this title.”).



Donald P. Kopp, Member



Stuart O. Simms, Member

Glen Burnie, MD
March ____, 2013

APPEAL RIGHTS

Any party aggrieved by this action of the PSLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).